

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

MICHAEL THOMAS MERRILL,

Plaintiff,

v.

NATIONWIDE CAPITAL SERVICES, LLC
d/b/a STRUCTURED SETTLEMENT,

Defendant.

CASE NO. 2:22-cv-00115-BHL

Honorable Judge Brett H. Ludwig

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

NOW COMES Michael Thomas Merrill ("Plaintiff"), by and through his attorneys, Sulaiman Law Group, Ltd. ("Sulaiman") and pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, requesting that this Honorable Court enter a Default Judgment against Nationwide Capital Services, LLC d/b/a Structured Settlement ("Defendant") and in support thereof, stating as follows:

1. On January 28, 2022, Plaintiff filed the instant action against Defendant seeking redress for violations of the of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et. seq.*, violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. §227 *et seq.*, violations of the Wisconsin Consumer Act ("WCA"), Wis. Stat. § 427 *et seq.*, and violations of Regulation F ("Reg F"), 12 CFR 1006 *et seq.* [Dkt. 1].
2. Plaintiff's claims arise from Defendant's abusive and unlawful debt collection practices.
3. On March 15, 2022, Defendant was served with Plaintiff's complaint. [Dkt. 8]
4. Defendant's responsive pleading was due on or before April 5, 2022.

5. Despite being duly served with Plaintiff's complaint, Defendant has failed to appear or otherwise respond to Plaintiff's complaint.
6. On September 27, 2022, Plaintiff requested that the Clerk enter default of Defendant, for failure to plead or otherwise defend [Dkt. 13].
7. On September 28, 2022, the Clerk entered default against Defendant.
8. Plaintiff's now moves this Honorable Court to enter a Default Judgment on a Sum Certain against Defendant and in favor of Plaintiff.
9. Defendant is aware of the instant proceedings and has willfully chosen not to formally enter the case despite proper service.
10. Plaintiff seeks statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) and 47 U.S.C. §§ 227(b)(3)(B)&(C), as well as payment of her costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3).

STATUTORY DAMAGES

11. Plaintiff seeks statutory damages of the maximum allowed under the FDCPA, \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A). Plaintiff seeks statutory damages of the under the TCPA of \$1,500.00 per phone call pursuant to 47 U.S.C. §§ 227(b)(3)(B)&(C). Plaintiff alleges at least 20 phone calls for an amount of at least \$30,000.00.
12. Based on Defendant's conduct, Plaintiff believes this Honorable Court should not hesitate to punish Defendant to the fullest extent of the law. As Plaintiff's Complaint states, Defendant engaged in willfully harassing collection activity. Because Defendant has willfully chosen not to participate in the instant proceedings, it should not be given any benefit of the doubt by this Honorable Court.

13. Defendant has clearly demonstrated a lack of respect for the legal process. It has had clear notice of this lawsuit. Rather than avail itself to the legal process, Defendant has willfully chosen not to participate and as such has waived its right to be given any benefit by this Court.

ATTORNEY FEES AND COSTS

14. Plaintiff seeks \$3,882.05 in reasonable attorney fees and costs pursuant to 15 U.S.C. § 1692k(a)(3). See attached Exhibit A, a true and correct itemization of Plaintiff's reasonable attorney's fees and costs and attached Exhibit B is a true and correct copy of an affidavit endorsed by the undersigned.

WHEREFORE, Plaintiff, respectfully requests that this Honorable Court enter a judgment in his favor as follows:

- a. Entering a Default Judgment against Defendant and in favor of Plaintiff;
- b. Awarding Plaintiff statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against Defendant and in favor of Plaintiff;
- c. Awarding Plaintiff damages of \$30,000.00 pursuant to 47 U.S.C. §§ 227(b)(3)(B)&(C) against Defendant and in favor of Plaintiff;
- d. Awarding Plaintiff \$3,882.05 in costs and reasonable attorney fee pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant and in favor of Plaintiff;
- e. Allowing judgment interest to be added; and
- f. Awarding any other relief as this Honorable Court deems just and appropriate.

Date: November 3, 2022

Respectfully submitted,

s/ Alexander J. Taylor
Alexander J. Taylor, Esq.
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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Plaintiff, certifies that on November 3, 2022, he caused a copy of the foregoing **PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**, to be served by U.S. Certified mail to the following addresses:

**NATIONWJDE CAPITAL SERVICES, LLC
D/B/A STRUCTURED SETTLEMENT
C/O REGISTERED AGENT SOLUTIONS, INC.
901 S WHITNEY WAY
MADISON, WL 53711**

Respectfully submitted,

s/ Alexander J. Taylor